

1 LEIDER + AYALA-BASS LLP
Philip A. Leider (Cal. Bar No. 229751)
2 philip@leiderlegal.com
Joren S. Ayala-Bass (Cal. Bar No. 208143)
3 joren@leiderlegal.com
One Market Street, Spear Tower, 36th Floor
4 San Francisco, CA 94105
5 Telephone: 415-215-8397
6 eFax: 510-350-9115

7 Attorneys for Plaintiff Ox Labs Inc.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 OX LABS INC., a California
13 Corporation,

14 Plaintiff,

15 vs.

16 BITPAY, INC., a Delaware Corporation,
17 and Does 1-10,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

Case No. CV 18-5934-MWF(KSx)

**DECLARATION OF GEORGE
MELIKA ON BEHALF OF SFOX,
INC. RATIFYING ACTION BY
PLAINTIFF OX LABS, INC.**

1 I, George Melika, declare:

2 1. I am the Chief Financial Officer of SFOX, Inc. (“SFOX”). I am also a
3 co-founder and executive of Plaintiff Ox Labs, Inc. (“Ox Labs”). I am familiar with
4 the pending litigation between Ox Labs and defendant Bitpay, Inc. (“Bitpay” or
5 “Defendant”). I understand that Ox Labs is the named plaintiff in this litigation. I
6 have personal knowledge of the facts set forth in this Declaration, and if called as a
7 witness, could and would testify competently thereto.

8 2. I understand that Defendant has questioned whether Ox Labs is the
9 real party in interest in this litigation. As the Chief Financial Officer of SFOX, I
10 am authorized to provide this declaration in support of ratification by SFOX. Ox
11 Labs wholly owns SFOX, and the principals and co-founders for both Plaintiff and
12 SFOX are ultimately the same people—Akbar Thobhani and myself. SFOX is the
13 transaction arm of Ox Labs for its cryptocurrency trading platform of the same
14 name. The crediting error that underlies this lawsuit against Defendant occurred on
15 an account Defendant had on SFOX. Since the crediting error at issue in this matter
16 was discovered, at all times Defendant has dealt with executives of Ox Labs, as the
17 owner of SFOX. Moreover, the financial harms alleged in the Complaint and at
18 issue in this action directly impact Ox Labs’ bottom line.

19 3. SFOX hereby ratifies both the original commencement and
20 continuation of this action by Ox Labs.

21 4. SFOX further agrees to be bound by the result of the action that has
22 been brought by Ox Labs against Defendant. In particular, SFOX agrees to be
23 bound by any judgment which may be rendered in this action that determines
24 liability for the incident at issue, as well as any damages or other relief found
25 recoverable by Ox Labs from Defendant.

CERTIFICATE OF SERVICE

I certify that counsel of record, listed below, is being served on October 17, 2019, with a copy of this document through the CM/ECF Filing System as identified on the Notice of Electronic Filing dated October 17, 2019.

/s/ Anahit Samarjian
Anahit Samarjian

Benjamin T. Wang
bwang@raklaw.com
James Tsuei
jtsuei@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025

Lawrence H. Kunin
lhk@mmmlaw.com
MORRIS, MANNING & MARTIN, L.L.P.
1600 Atlanta Financial Center
3343 Peachtree Road N.E.
Atlanta, Georgia 30326
